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8 Attorney for Defendant  
9 *GEORGE VORTMAN*

10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 UNITED STATES OF AMERICA, ) CR No. 3:16-cr-00210-WHA  
15 )  
16 Plaintiff, ) STIPULATION AND PROPOSED ORDER  
17 ) CONTINUING CHANGE OF PLEA HEARING  
18 v. ) AS TO DEFENDANT GEORGE VORTMAN  
19 )  
20 GEORGE VORTMAN, ) AS MODIFIED  
21 )  
22 Defendant. )  
23 \_\_\_\_\_ )

24 Defendant GEORGE VORTMAN, by and through his counsel  
25 undersigned, and the United States of America, through Assistant  
26 United States Attorney JEROME MAYER-CANTU, hereby stipulate and  
27 respectfully request that the Court vacate the Change of Plea  
28 hearing in the above-captioned case, currently set for Tuesday,  
29 September 19, 2017, at 02:00 p.m., and reset it for Tuesday,  
30 October <sup>10</sup>24, 2017, at 02:00 p.m.

31 This is the parties' second request to continue the Change of  
32 Plea hearing as to Defendant Vortman after the case was reassigned  
33 to the HONORABLE WILLIAM H. ALSUP on Monday, August 14, 2017. The  
34 parties previously requested to continue the Change of Plea  
35 hearing one time on July 17, 2017, when the case was assigned to  
36 the HONORABLE THELTON E. HENDERSON. The parties last appeared

1 before the HONORABLE THELTON E. HENDERSON on Monday, May 22, 2017,  
2 at which time the Defendant was present.

3 On Friday, August 11, 2017, the government provided defense  
4 counsel with a draft plea agreement. This request to continue the  
5 Change of Plea hearing is made in order to allow counsel to  
6 finalize the terms of the plea agreement and in order for defense  
7 counsel to review the proposed plea agreement with the Defendant  
8 once finalized.

9 Based on the above-stated reasons, the parties further  
10 stipulate and agree that the time between Tuesday, September 19,  
11 2017 and Tuesday, October <sup>10</sup>24, 2017, should be excluded from  
12 computation of the time for commencement of trial under the Speedy  
13 Trial Act and that the ends of justice are served by the Court  
14 excluding such time in order to allow Defense Counsel the  
15 reasonable time necessary for effective preparation, taking into  
16 account the exercise of due diligence, and continuity of counsel.  
17 18 U.S.C. § 3161 (h) (7) (A) and (B) (iv).

18 "Plea negotiations and the time from when a defendant states  
19 that he will plead guilty until the time the guilty plea is  
20 entered is excludable under the [Speedy Trial Act]." United  
21 States. v. Bowers, 834 F.2d 607, 609-10 (6th Cir. 1987); see also  
22 United States v. Montoya, 827 F.2d 143, 150 (7th Cir. 1987) ("The  
23 plea bargaining process also can qualify as one of many 'other  
24 proceedings' under the generic exclusion of section 3161(h)(1).").

25 For these reasons, the Defendant, Defense Counsel, and the  
26 Government stipulate and agree that the interests of justice are  
27 served by vacating the Change of Plea hearing currently set for  
28

1 Tuesday, September 19, 2017, and resetting it for Tuesday, October  
2 10  
24, 2017, at 2:00 p.m., outweigh the best interests of the public  
3 and the Defendant in a speedy trial. 18 U.S.C. § 3161 (h) (7) (B)  
4 (iv); 18 U.S.C. § 3161 (h) (7) (B) (ii).

5 **IT IS SO STIPULATED.**

6  
7 Respectfully submitted,

8 DATED: September 13, 2017

9 /s/ RJB  
ROBERT J. BELES,  
Attorney for *GEORGE VORTMAN*


10  
11 DATED: September 13, 2017

12 /s/ JMC  
JEROME MAYER-CANTU,  
Assistant U.S. Attorney

13  
14 BRIAN STRETCH  
UNITED STATES ATTORNEY

15  
16  
17 **IT IS SO ORDERED.**

18  
19 DATED: September 14, 2017

20  
21   
22 HON. WILLIAM H. ALSUP  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27  
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